

Application No. 10/606,219
Attorney Docket No. 030770
Amendment under 37 C.F.R. §1.114

REMARKS

Claims 1 and 3-9 are pending in the present application. Claims 1 and 3 are herein amended. Claim 9 is newly added. Claim 2 is cancelled.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-3, 5, 6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Walsh** (U.S. Patent 5,952,943); and claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Walsh** in view of **Vetro** (U.S. Patent 6,519,288).

Favorable reconsideration is requested.

Applicants respectfully submit that Walsh does not teach or suggest:

wherein said controller controls the decoding amount based on a fetching period of the still image signal forming the moving image signal

as recited in amended claim 1, and similarly recited in claims 5 and 8.

Walsh discloses indirectly controlling the decoding amount by adjusting encoding parameters such that a target decode processing rate is satisfied. The encoding parameters are not adjusted based on a fetching period of the still image signal.

The Office Action cites element 210 as corresponding to the fetcher as recited in amended claim 1. (Office Action, page 4.) The Office Action also cites col. 4, lines 18-54; col. 10, lines 58-66 and Fig. 11. Element 210 is a receiver which is any suitable means for receiving the digital data transmitted by a transmitter. (Col. 5, lines 30-32.) At col. 10, lines 58-66, Walsh discloses that controller 1102 adjusts the encoding parameters based on the decode time fed back from encoder 1104 to controller 1102, and Fig. 11 demonstrates this feature of Walsh. Thus, the

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controller adjusts encoding parameters based on the *decode time* only. The controller does not adjust encoding parameters based on a *fetching period* of the still image signal. Therefore, Walsh does not disclose all of the elements as recited in claims 1, 5 and 8.

For at least the foregoing reasons, claims 1, 5 and 8 are patentable over the cited references, and claims 3, 4, 6, 7 and 9 are patentable by virtue of their dependence from claim 1, 5 or 8. Accordingly, withdrawal of the rejection of claims 1 and 3-8 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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